

REMARKS

Claims 1-3 and 5-22 are currently pending in the application. Claims 1, 5-7, 9, and 15-21 have been amended.

On page 2 of the Office Action, claims 1-3, 6-8, 15-17, and 19-22 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,319,542 (King).

By its language, 35 U.S.C. § 102 requires that *each and every element* of a claim be present in a single cited reference to properly have the reference anticipate the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566, 1567 (Fed. Cir. 1992), *citing Diversitech Corp. v. Century Steps, Inc.*, 850 F.2d 675, 677, 7 USPQ2d 1315, 1317 (Fed. Cir. 1988); *Lindemann Maschinenfabrik v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1458, 221 USPQ 481, 485 (Fed. Cir. 1984); *Minnesota Mining & Manufacturing Co. v. Johnson & Johnson Orthopaedics, Inc.*, 976 F.2d 1559, 24 USPQ2d 1321, 1326 (Fed. Cir. 1992); and *Elmer v. ICC Fabricating Inc.*, 67 F.3d 1571, 36 USPQ2d 1417, 1419 (Fed. Cir. 1995).

Applicants respectfully submit that independent claims 1, 5-7, 9, and 15-21 are patentable over King, as King fails to disclose the judging operation of the present invention in which "said first network address being a first Uniform Resource Locator for the constituent member of the particular group to enter the commodity selling system and said second network address being a second Uniform Resource Locator for the customer who is not a member of the particular group to enter the commodity selling system," as recited in independent claim 1, for example.

The present invention changes service contents such as a discount for a particular group of customers by using different Uniform Resource Locators (URL's) of a shopping site on a Web server for a particular group of customers and other general customers. That is, the present invention places a catalog for a special sales and the like not on the user terminal but on the server of a seller and notifies particular customers of the address for them in advance (other general customers receive standard service with a general public address). Service contents are changed by judging the particular customers based on the accessed address of the server (shopping site). Thus, the present invention has the following advantages: (1) there is no need to install a catalog on a user terminal; (2) customers can always refer to the latest catalog; (3) the present invention performs all the processes on the server side. Accordingly, there is no need to add new functions to a user terminal.

Applicants respectfully submit that there is absolutely no evidence that the present invention's judging operation is performed in King. Just because the King system *could* judge

based on system access to the site does not mean that the system actually performs the judging operation.

For inherency to occur, the judging operation of the present invention must occur in King. It is not enough for the Examiner to conclude that after access occurs, the system *could* judge. The Examiner's quotation incorrectly uses the phrase "allows the rest of the system to know" as being synonymous with "judge." Merely knowing is not tantamount to actively judging in the present situation. The question is, "whether the judgment operation of the present invention actually occurs, that is, must the operation occur" in King?"

Applicants respectfully submit that no such judgment operation occurs in King. In King, there is no reason to perform the judging operation of the present invention. If a user accessed the private catalogue, the system knows that the user is a private access user, as the private catalogue is only stored on the machines of users having authorized access. Access to the public catalogue is controlled via customer access/download control functions. Therefore, if a user "passed" the control functions, the system "knows" that the user is the type of user who can be granted access to the public catalogue.

In light of the foregoing, there is no need to perform the judging operation of the present invention in King. Therefore, King performs no such judgment operation. Withdrawal of the rejection is respectfully requested.

Moreover King does not disclose first and second network addresses represented by Uniform Resource Locators as the addresses relate to a particular constituent member of a particular group and another member who's not a member of the group, for example.

Independent claims 1, 6, 7, 15-17, and 19-21 are patentable over King, as King fails to teach the judging operation and the Uniform Resource Locators as they relate to members of a group. As dependent claims 2-3, 8, and 22 depend from respective independent claims, the dependent claims are patentable over King for at least the reasons presented for the independent claims.

On page 3 of the Office Action, claims 5, 9-14, and 18 were rejected under 35 U.S.C. § 103

Regarding independent claim 5, Applicants respectfully submit that claim 5 is patentable over King, as King fails to disclose or suggest the judging operation of the present invention. Based on the argument in the previous section, Applicants respectfully submit that the Examiner would have to engage in impermissible hindsight if he were to conclude that King suggests the feature of the present invention identified by the above-quoted language. Further, King teaches

away from the present invention in the operation of King described above is completely unrelated to the judging operation of the present invention.

Kepecs's address or email address simply allows a customer to remain anonymous when accessing an account and is not used to provide access. Moreover, an email address is not tantamount to or related to a Uniform Resource Locator (URL).

As claim 9 recites language similar to that of claim 5, in relevant part, Applicants respectfully submit that claim 9 is patentable over the references for at least the reasons presented for claim 5. As dependent claims 10-14 and 18 depend from independent claim 9, the dependent claims are patentable over the references for at least the reasons presented above for the independent claims.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of the Amendment, please charge the same to our Deposit Account No. 19-3935.

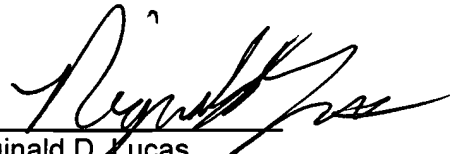
Respectfully submitted,

STAAS & HALSEY LLP

Date:

11/25/07

By:


Reginald D. Lucas
Registration No. 46,883

1201 New York Avenue, NW, 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501